
HOUSE BILL No. 1057

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-15-3.

Synopsis: Open alcoholic beverage containers. Creates exceptions to the law concerning open alcoholic beverage containers in motor vehicles. Makes it a Class B infraction for a person in the passenger compartment of a motor vehicle to possess an alcoholic beverage container: (1) that has been opened; (2) that has a broken seal; or (3) from which some of the contents have been removed. Removes the requirement that, in proving a violation of the open container law, the state must show that the driver of the motor vehicle had a minimum level of alcohol in the driver's blood or breath. Specifies that a violation of the open container law occurs while a motor vehicle is on the right-of-way of a public highway even if the vehicle is not in operation. Specifies that a violation of the open container law is not considered a moving traffic violation: (1) for purposes of the law concerning bureau of motor vehicles operating records; and (2) for which points are assessed by the bureau under the point system.

Effective: July 1, 2005.

Duncan

January 4, 2005, read first time and referred to Committee on Roads and Transportation.

C
o
p
y



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1057

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-30-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~The operator of (a)~~

This section does not apply to the following:

(1) A container possessed by a person who is in the:

(A) passenger compartment of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or

(B) living quarters of a house coach or house trailer.

(2) A container located in a locked glove compartment.

(3) A container located:

(A) behind the last upright seat; or

(B) in an area not normally occupied by a person;

in a motor vehicle that is not equipped with a trunk.

(b) A person in a motor vehicle who has an alcohol concentration equivalent to at least four-hundredths (0.04) gram of alcohol per one hundred (100) milliliters of the blood; or per two hundred ten (210) liters of the breath; and who, while the motor vehicle is in operation

C
o
p
y



1 knowingly allows or while the motor vehicle is located on the
 2 right-of-way of a public highway, possesses a container:

3 (1) that has been opened;

4 (2) that has a broken seal; or

5 (3) from which some of the contents have been removed;

6 to be in the passenger compartment of the motor vehicle commits a
 7 Class B infraction. If a person is found to have a previous unrelated
 8 judgment under this section or a previous unrelated conviction or
 9 judgment under IC 9-30-5 within twelve (12) months before a violation
 10 that results in a judgment under this chapter, the court may recommend
 11 the person's driving privileges be suspended for not more than one (1)
 12 year.

13 (c) A violation of this section is not considered a moving traffic
 14 violation:

15 (1) for purposes of IC 9-14-3; and

16 (2) for which points are assessed by the bureau under the
 17 point system.

C
o
p
y

